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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,648	07/15/2003	Yu-Yu Chen	MR2863-120	5264
4586	7590	06/28/2006		EXAMINER
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			HOLTON, STEVEN E	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/618,648	CHEN, YU-YU
	Examiner Steven E. Holton	Art Unit 2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-15 and 17-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This Office Action is made in response to applicant's amendment filed on 3/30/2006. Claims 1-19 are currently pending in the application. An action follows below:

### ***Election/Restrictions***

2. Applicant's election of Species I, claims 1-12; Figures 1-5 in the reply filed on 3/30/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities: the claim recites that the data projecting module comprises a lens disposed between the display region and the viewers eye. The Examiner notes that the new amendments to claim 1 recite that the data projecting module is housed in the frame of the glasses, which would make providing a lens between the display region and viewer's eye unlikely. The application explains the lens system well; the claim language needs adjustment to remove the conflicting definitions. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Spitzer (USPN: 6091546).

Regarding claim 1, Spitzer discloses spectacles (Fig. 1, element 100) with at least one lens. Spitzer further discloses a frame with a recess formed therein (Figs. 13-15; col. 8, lines 17-40) with a cover that is removable to conceal the contents of the recess (Fig. 15, element 847). Spitzer further discloses a data display unit and projecting module to project the information onto the display area (Fig. 16 shows the components inside of the recess; Figs. 8 and 10 show the display; col. 6, lines 58-62 discuss the display being integrated in the frame).

Spitzer further discloses providing plug in modules (Fig. 20, element 1001) that provide expanded information data to the display and that can be mounted within the frame (col. 9, lines 65-67; broader discussion col. 9, line 49 – col. 10, line 67). One such embodiment is the inclusion of a clock to display time data onto the display (col. 10, lines 28-35).

Regarding claim 2, Spitzer discloses using a liquid crystal display (col. 6, line 63 – col. 7, line 4).

Regarding claim 3, Spitzer discloses providing a light emitting device behind the display unit (Fig. 8, element "backlight") which would produce the light to project data onto the display region.

Regarding claim 9, Spitzer discloses using a wireless receiving unit for receiving data before generating data and transmitting it to the display (col. 9, lines 6-8; col. 35-48).

Regarding claim 10, Spitzer discloses receiving information for global positioning to providing navigation and location information (col. 11, lines 11-23).

Regarding claim 11, Spitzer discloses the spectacles receiving information from blood pressure or vital sign monitoring device (col. 10, 42-46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitzer in view of Spitzer et al. (USPN: 5886822), hereinafter the '822 patent.

Regarding claim 5, Spitzer discloses all of the limitations except, "wherein the data projecting module further comprises at least one focusing lens disposed between the data display unit and the display region of said at least one lens."

The '822 patent discloses a focusing lens (Fig. 3, element 330) disposed between the data display unit (Fig. 3, element 320) and the display region (Fig. 3, the area along the diagonal line where the reflections occur of insert 301).

At the time of invention it would have been obvious to one skilled in the art to combine the teachings of Spitzer and the '822 patent. The motivation for doing so would have been to provide magnification and other optical correction to the light beams traveling into the system ('822 patent; col. 5, lines 44-47).

Regarding claim 6, the '822 patent discloses a lens (Fig. 3, element 340) between the display region and the user's eyes.

Regarding claim 12, the '822 patent discloses the insert (Fig. 3, element 301) could be formed of a prism or mirror (col. 11; lines 53-56).

Regarding claims 4 and 7, the Examiner notes that using mirrors and focusing lenses to direct light from a light source to a display are well-known in the art and it would be a design choice for one skilled in the art to use necessary optics to provide enough light from the light-emitting device to the display device for operation of the system.

Regarding claim 8, as discussed above Spitzer teaches all of the limitations except a light emitting diode as the light emitting device. The Examiner takes Official Notice that it is old and well-known in the art to use light emitting diodes as light sources for liquid crystal display devices. Further that the small size and of a light emitting diode would be a normal choice as a light emitting device for a compact system such as one to be worn on glasses.

***Response to Arguments***

6. Applicant's arguments, see pages 19-30, filed 12/15/2005, with respect to the rejection(s) of claim(s) 1-12 under 35 USC 102(b) and 103(a) have been fully considered and are persuasive in light of the amendments to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (571) 272-7903. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven E. Holton  
Division 2629  
June 16, 2006

AMR A. AWAD  
PRIMARY EXAMINER  
